



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 10, 2019

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
Daniel Patrick Moynihan U.S. Courthouse
New York, New York 10007

**Re: United States v. Ross William Ulbricht, a/k/a "Dread Pirate Roberts,"
a/k/a "Silk Road," a/k/a "Sealed Defendant 1," a/k/a "DPR,"
14 Cr. 68 (LGS)**

Dear Judge Schofield:

The Government respectfully requests that the deadline for its response to petitioner Ross Ulbricht's Motion to Vacate be held in abeyance—temporarily—while issues pertaining to Ulbricht's legal representation are resolved. These representation issues are necessarily intertwined with what, in fact, the Government will be responding to.

By way of context, on or about June 28, 2019, two different attorneys—both purporting to represent Ulbricht—filed different Motions to Vacate pursuant to 28 U.S.C. § 2255; these motions are extremely different in scope. (*Compare* Dkt. 355-359, *with* Dkt. 361-362).

On or about July 1, 2019, one of these two attorneys, Zachary L. Newland, Esq., contacted the Government and stated that he intended to ask the Court for an extension of time so that he could amend Ulbricht's current filings, including filing one amended Motion to Vacate in place of the two current motions. Mr. Newland told the Government, in writing, that he had been hired to represent Ulbricht in connection with this 2255 petition. On or about July 2, 2019, Mr. Newland filed a motion, with the Court, to substitute himself for Ulbricht's other attorney, Paul Grant, Esq. (*See* Dkt. 365 (the "Substitution Motion").

However, on or about July 7, 2019, Ulbricht's other attorney, Mr. Grant, submitted a letter to the Court in which he requested that the Substitution Motion be withdrawn or denied, on the asserted ground that Ulbricht neither requested nor authorized the Substitution Motion and opposes that motion. (*See* Dkt. 367). In his July 7 letter, Mr. Grant represented that he was writing as Ulbricht's counsel. (*Id.*).

At present, the Government's response to Ulbricht's Motion to Vacate is due on July 24, 2019. (*See* Dkt. 363). The Government respectfully requests that this deadline be held in

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abeyance for the brief period necessary to resolve issues pertaining to Ulbricht's representation. There is currently a clear dispute as to who represents Ulbricht. These representation issues directly affect what, in fact, the Government will be responding to. At this stage, the Government does not know (1) which Motion to Vacate is the operative filing, or (2) whether Ulbricht intends to seek leave to replace both of these filings with a future amended filing (as Mr. Newland previewed to the Government). Under these highly unusual circumstances, the requested relief—which is temporary in nature—is clearly warranted.

The Court's consideration of this request is appreciated.

Respectfully submitted,

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cc: All Counsel of Record (via ECF)